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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,321	01/02/2002	Philip Shi-lung Yu	YOR920010585US1	3040

28062 7590 11/19/2003

BUCKLEY, MASCHOFF, TALWALKAR, & ALLISON
5 ELM STREET
NEW CANAAN, CT 06840

EXAMINER

NGUYEN, TAN QUANG

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,321

Applicant(s)

YU ET AL.

Examiner

TAN Q NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-48 and 61-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-48 and 61-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

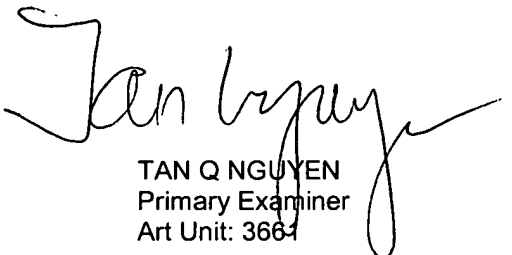
ART UNIT	PAPER
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5

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents


TAN Q NGUYEN
Primary Examiner
Art Unit: 3664

DETAIL ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on July 25, 2003. As per request, claims 1-6, 19, 23, 24, 33-37, 44, 48 have been amended. Claims 18 and 49-60 have been canceled. Claims 61-64 have been added. Thus, claims 1-17, 19-48 and 61-64 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 62 is rejected under 35 U.S.C. 102(e) as being anticipated by Murphy (6,232,874).
4. Murphy discloses a method for sending the disable signal to shutdown the vehicle from the determination of whether the driver is authorized or not based on his/her personal identification (see the abstract, columns 16-17 and claim 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).
7. Claims 1-17, 19-48, 61 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horita et al. (Pub. No. 2002/0027511) in view of Nozaki (6,470,267).

8. As per claims 1-3, Horita et al. disclose the invention as claimed which includes the steps of determining vehicle control information such as traffic regulation such as parking lot information (see at least column 4, paragraph 0096, column) which depends on at least the time of the day (see at least figure 7, column 5, paragraph 0099 and column 6, paragraph 0112), and transmitting the vehicle control information to a vehicle device (see at least figures 18 and 27). Horita et al. further disclose the advertisements are also being transmitted to the vehicle (see at least column 28, paragraph 0527).

9. Horita et al. do not explicitly disclose that the vehicle control information associated with an operator of a vehicle. However, Nozaki suggest a navigation system which includes means for transmitting the information based on user information including a user's sex, age, character, hobby and preference (see at least column 2, lines 29-64). It would have been obvious to one of ordinary skill in the art to incorporate such teaching of Nozaki into the system of Horita et al. in order to provide the improved navigation system which obtains only the information associated with driver.

10. As per claims 4 and 5, Horita et al. disclose that the vehicle control information is dependent on operator information as shown in at least column 6, paragraphs 0105 and 0106.

11. As per claim 6, Horita et al. disclose that the vehicle control information is dependent on vehicle information, which is associated with at least overall height of the vehicle (see at least column 6, paragraph 0107).

12. As per claims 7-10, Horita et al. disclose that the transmitting is performed at least based on the position of the vehicle and based on the request received from the vehicle device (see at least figures 20, 21, 26 and column 6, paragraph 0106).

13. As per claim 11, Horita et al. disclose that the vehicle control information includes a plurality of vehicle control values and associated rules (see at least figure 18 and the related text).

14. As per claim 12, Horita et al. disclose that the vehicle control information is transmitted to plurality of drivers (see at least column 1, paragraph 0018).

15. As per claim 13, Horita et al. also disclose that system includes the two way communication between the driver and the base station (see paragraphs 0097 and 0100).

16. As per claim 14, Horita et al. disclose the step of receiving the vehicle control information from a central controller (see figures 1 and 31).

17. As per claim 15, Horita et al. also disclose the step of transmitting location information associated with the vehicle control information (see at least figure 1 and the related text).

18. As per claim 16, Horita et al. further disclose that the transmitting is performed via at least wireless communication device (see at least figure 1).

19. As per claim 17, Horita et al. disclose that the system includes the step of storing the vehicle control information (see at least figure 21, item 41200).

20. As per claims 19 and 20, Horita et al. do disclose a storage device for storing instructions adapted to be executed by the computer (see at least paragraph 0099, figures 18, 23 and the related text).

21. As per claim 22, a back-up power source is well known in the art and it is inherently existed in the information controller in order to prevent losing information in case of the losing of the main power.

22. With respect to claims 21 and 23-48, 61 and 64, the limitations of these claims have been noted in the rejections above and in the Horita et al. reference. They are therefore considered rejected as set forth above.

23. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy as applied to claim 62 above.

24. Murphy discloses the claimed invention which restricts the certain controls in the vehicle based on the driver profile such as personal identification indicium contained on the token card or personal information entered using data entry device (see the abstract). For example, the system can be used to monitoring operation of the vehicle by a teenager or other inexperienced driver, with restrictions imposed upon vehicle operation channel, total mileage, vehicle maximum speed and/or time interval of operation of the vehicle (see column 11, lines 63-67). Murphy also discloses mention that the automobile insurance company might provide a discount on premiums coverage operation of the vehicle by an RO, where the vehicle has this system installed and operating (see column 11, line 67 to column 12, line 3). It would have been obvious to one of ordinary skill in the art to realize that the operator insurance information is also the "personal information" which can be used to determine the restriction of the operation of the vehicle.

Conclusion

25. All claims are rejected.

26. The following references are cited as being of general interest: Takahashi (5,172,785), Mansell et al. (5,223,844), Tagi (6,473,790), Sekiyama (6,526,350), Smith et al. (6,587,755) and Muranmatsu et al. (6,611,229).

27. Applicant's arguments filed on July 25, 2003 have been fully considered. The attorney argued that the reference cited does not teach a vehicle control information associated with an operator of a vehicle, which feature just added to the claims. Upon the updated search, the new ground of rejection has been set forth as above.

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Nguyen, whose telephone number is (703) 305-9755. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Art Unit: 3661


or faxed to:

(703) 305-7687, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451
Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be
directed to the Group receptionist whose telephone number is (703) 308-1113.

/tqn
November 12, 2003



TAN Q. NGUYEN
Primary Examiner
Art Unit 3661